

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 2-18 are pending in the present application. Claims 15 and 16 are amended by the present amendment.

Claim amendments find support in the application as originally filed at least at page 4, line 1, to page 5, line 6. Thus, no new matter is added.

In the outstanding Office Action, Claims 2, 9-12 and 14-18 were rejected under 35 U.S.C. § 102(e) as anticipated by Zereski et al. (U.S. Pat. No. 5,654,886, herein "Zereski"); Claims 3-8 and 13 were rejected under 35 U.S.C. §103(a) as unpatentable over Zereski in view of Murphy (U.S. Pat. No. 6,564,380).

Applicants respectfully traverse the rejection of Claims 2, 9-12 and 14-18 under 35 U.S.C. § 102(e) as anticipated by Zereski, with respect to Claim 15.

Claim 15 is directed to a method for merchandising information to a broadcast customer that includes storing the merchandising information in a database, receiving changed information, automatically updating the stored information based on the received changed information, defining a video layout based on a selection made by the broadcast customer, the video layout including a subset of the stored information and a screen layout of the stored information, formatting a broadcast-ready data stream including the desired subset of stored information formatted according to the selected video layout, transmitting the broadcast-ready data stream from a server to the broadcast customer, receiving the broadcast-ready data stream from the server and combining the received broadcast-ready data stream with video content broadcast by the broadcast customer.

Zereski does not describe defining a video layout based on a selection made by the broadcast customer or combining the received broadcast-ready data stream with video content broadcast by the broadcast customer.

Zereski describes a method of creating presentations for the internet.¹ Specifically, Zereski describes organizing weather data from various sources so it can be presented by a web server. However describe defining a video layout based on a selection made by the broadcast customer or combining the received broadcast-ready data stream with video content broadcast by the broadcast customer.

In other words, Zereski is directed at formulating a simple web-page for disseminating weather information. In contrast, the claimed invention is directed at creating dynamic data streams that are easily integrated into television broadcasts. For example, in the past in order to create a weather ticker that would run across the bottom of the television screen, the ticker and the weather information therein had to be created and formatted by the television studio itself. The claimed invention allows the television studio to choose where on the screen the data stream will be placed and what graphics and data the stream will include using a web-browser. Once the user has made this selection, the data stream is sent to the television studio in broadcast-ready form so that it can simply be combined with the studio's regular broadcast. For example, if a television studio in Washington DC wishes to add a weather ticker across the bottom of the screen, the television studio can go to the webpage, select weather information for Washington DC and a placement of "bottom of the screen". A data stream is then sent to the television studio ready for broadcast so that the studio simply needs to combine the ticker feed with the current broadcast feed. No extra software or expertise is needed. Zereski does not provide this advantage or describe these features.

¹ Zereski, col. 5, lines 1-3.

The outstanding Action relies on Murphy as curing the deficiencies of Zereski. Murphy describes a video server that provides access to a number of video feeds from different source locations.² Further, Murphy indicates the video feeds retrieved from the video server may include a personalized logo.³ However, Murphy does not describe any defining of a video layout or any formatting according to the defining. Although Murphy does describe that different video feeds can be selected, Murphy does not describe or suggest that a customer can define a video layout of a data stream.

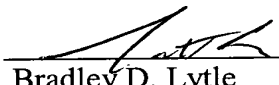
In addition, Murphy does not describe any combining of the received broadcast-ready data stream with video content broadcast by the broadcast customer. Thus, Murphy does not cure the above noted deficiencies of Zereski.

Accordingly, Applicants respectfully submit independent Claim 15 and claims dependent therefrom patentably define over Zereski and Murphy considered individually or in combination.

Consequently, in light of the above discussion and in view of the present amendment, the application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Scott A. McKeown
Registration No. 42,866

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² Murphy, Col 5, lines 1-5.

³ Murphy, Col 18, lines 15-27.